

## DECISION MAKING - INVESTIGATIVE CONCLUSIONS

This attachment provides guidelines for decision making, reaching an investigative conclusion, and determining the level of intervention.

When beginning the investigation, the worker should ask himself/herself four questions.

1. What has actually happened to the child;
2. How serious is the current situation;
3. What is the risk of future harm to the child; and,
4. Based on the answers to the above three questions, what level of intervention is indicated?

In order to address these questions, the worker should consider the following:

- The description of the incident and presenting problem which resulted in the report;
- The physical/psychological/intellectual/social characteristics of the child;
- The physical/psychological/intellectual/social characteristics of the parent/caretaker;
- The family dynamics, as determined by the patterns of family behavior and family history;
- The presence of domestic violence in the family;
- Long term and situational family stressors, i.e., interaction, economic, social;
- Conditions of the physical environment in which the child lives, including the home and neighborhood;
- Indicators, as developed through observations and interviews with collaterals and subjects;
- All credible, verbal, and physical evidence collected/obtained; and
- The level of risk of future harm to the child.

## INVESTIGATIVE CONCLUSIONS

COURT ADJUDICATED: This investigative conclusion must be supported in writing by the circuit court (including the criminal and juvenile division). Circuit court decisions include de novo judicial reviews, which are sought by the alleged perpetrator after a CA/N Review Board hearing.

“PREPONDERANCE OF EVIDENCE”: This investigative conclusion indicates a finding by a “preponderance of evidence” that abuse or neglect has occurred. The finding must be supported to a degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

Related Subject: Attachment X, of this chapter, Preponderance of Evidence
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Related Subject: Attachment G, of this chapter, Collection of Evidence
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UNSUBSTANTIATED-PREVENTIVE SERVICES INDICATED: This investigative conclusion is appropriate when through observations, interviews and collaterals the worker has identified indicators, which if unresolved could potentially contribute to abuse/neglect.

UNSUBSTANTIATED: This investigative conclusion is appropriate in the absence of evidence or identified indicators which pose a specific threat to the child.

The investigative conclusion will rest on the worker's conclusion after gathering and assessing all relevant facts and evidence. The worker will most often rely on an assessment of:

- the age of the child;
- the nature, location, and severity of the injury/neglect;
- the degree to which the worker is certain that the injury was caused by willful or negligent acts of the alleged perpetrator; and
- the amount and nature of evidence supporting the conclusion.

### Delayed Conclusions:

Workers shall complete all investigation/family assessments within 30 days, unless good cause for the failure to complete the investigation or assessment is documented in the information system. Delayed conclusions shall only be used for 15 days past the 30-day conclusion deadline. Therefore, all investigations/family assessments shall be complete within 45 days.

The following are examples of situations in which a delayed conclusion may be appropriate:

1. Due to change in response track, from family assessment to investigation and law enforcement is assisting in co-investigation. In this situation, there may be a few days lost in coordinating schedules with law enforcement to interview all subjects named in the report (i.e., the alleged perpetrator) along with collateral contacts.
2. Delay in receiving critical medical, psychological, or educational report (verbal report from the Doctor may be documented in the report and concluded prior to receipt of written report).
3. Co-investigation with law enforcement in which alleged perpetrator has not been interviewed.
4. Family refused to cooperate, law enforcement contacted and awaiting outcome of referral to juvenile court.
5. Courtesy request to another county or state, subject of CA/N report not interviewed.

If there is a delay in receiving information from law enforcement, the juvenile office, or other professionals, staff must attempt to obtain the information, documenting all attempts in the case record. In situations where the information will not be received within 30 days of the report, the supervisor and worker are to take appropriate steps to secure information necessary to complete the CD process and make a determination.

If delays are detected on an on-going basis due to involvement with law enforcement, the juvenile office or other professionals, local CD staff must meet with interdisciplinary investigation team members within their communities, to develop protocol to meet conclusion timeframes.

**Additionally, CD must maintain *weekly* follow-up contacts with law enforcement, juvenile office, other professionals, and/or courtesy county/state agencies to obtain respective written reports.**

Related Subject: Section 2, Chapter 4, Attachment H: Guidelines for Letter to Suspected Perpetrator Regarding Delayed Notification of CA/N Status Determination
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HOME SCHOOLING: This investigative conclusion is appropriate when the parent has stated to the investigator that he/she is providing for his/her child's education and the report has been sent to the Superintendent of Schools of the appropriate school district. The investigator should follow policy as outlined in Attachment K of this chapter.

Related Subject: Attachment K of this chapter, Guidelines for Letter To School District on Reports concluded as Home Schooling.
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#### LEVEL OF INTERVENTION:

In a large part, the level of intervention will be determined based on the degree of risk to the child. Removal of a child may be necessary in those situations where the child is in danger of future life threatening abuse/neglect. However, in the vast majority of cases, services may be

provided to rectify the problems, which contributed to the investigative conclusion and prevent future abuse/neglect.

- All cases which are found by a “preponderance of evidence” that physical abuse or neglect exists will be opened for Family-Centered Services unless the victim is otherwise protected from future abuse/neglect.
- “Unsubstantiated” cases will be closed unless the family requests services to improve family functioning and such services are available through the Division or community resources.
- Case opening and services are voluntary for those families where the worker has concluded a report to be “Unsubstantiated-Preventive Services Indicated.” However, as the worker has identified indicators that could contribute to potential abuse/neglect, an effort should be made to encourage the family to accept services by:
  - asking the family to give their perceptions of problems they may be experiencing and possible solutions;
  - advising the family of problems which the worker identified during the investigative process;
  - advising the family of services available through the Division and community resources which will help to alleviate the stated problems;
  - offering to refer the family for preventive services or community services;
  - offer them time to reconsider and contact you at a later date if the family is hesitant to accept or resistive to services.

The worker should thoroughly document in the case record, the family's response to an offer of services and the basis for the decision to open/close the case.

MEMORANDA HISTORY: CD04-79